

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

TRACY HOLMES,)
)
Petitioner,) 8:10CV371
)
v.)
)
) MEMORANDUM OPINION
)
Respondent.)
)

This matter is before the Court on its own motion. On October 19, 2010, the Court entered a Memorandum and Order stating that petitioner's Petition for Writ of Habeas Corpus (Filing No. 1) was insufficient because petitioner had failed to name a respondent and had failed to include the \$5.00 filing fee. (Filing No. 3.) The Court gave petitioner until November 12, 2010, to amend his petition to state the person or persons who were allegedly restraining him, and to pay the \$5.00 filing fee. (Id. at CM/ECF p. 2.) Petitioner was warned that failure to correct the petition's defects could result in the dismissal of the petition. (Id. at CM/ECF p. 1.) Petitioner paid the \$5.00 filing fee (see text entry of October 25, 2010), but failed to amend his petition to name a respondent. This matter will be dismissed without prejudice for failure to prosecute and to

comply with the orders of the Court. A separate order will be entered in accordance with this memorandum opinion.

DATED this 2nd day of December, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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